

# **DNREC asks Federal Court to review EPA's denial of Delaware's Clean Air Act Section 126 "good neighbor" petitions on cross-state air pollution**

**DOVER** – Delaware's Department of Natural Resources and Environmental Control has filed a petition for review in the District of Columbia Circuit Court of Appeals seeking review of the US Environmental Protection Agency's denial of Delaware's and Maryland's Clean Air Act Section 126(b) "good neighbor" petitions.



Delaware's Section 126 petitions seek to reduce the amount of air pollution generated elsewhere that crosses into Delaware.

"EPA was unfairly dismissive of our Section 126 petitions, and we are now seeking a court order requiring EPA to reconsider our petitions that we feel, if acted upon, will help reduce the amount of air pollution that crosses our borders from neighboring states," said DNREC Secretary Shawn M. Garvin. "Both the public health of our citizens and Delaware's economy are at stake."

Delaware's petition for review, filed Nov. 5, was consolidated by the DC Circuit Court with petitions filed by Maryland and environmental groups that also seek review of EPA's decision to deny Delaware's and Maryland's Section 126(b) petitions earlier this year. The DC Circuit Court is now asked to rule on whether EPA followed proper procedures in reaching its

decision to deny the Section 126(b) petitions and whether the evidence of record supports EPA's denial. The court's decision is expected sometime next year.

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